

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE BIGSBY,

Defendant.

CASE NO. CR04-218P

PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on November 30, 2005. The United States was represented by Janet Freeman. The defendant was represented by Peter Avenia. The proceedings were recorded on disk.

CONVICTION AND SENTENCE

Defendant had been convicted of Conspiracy to Import Catha Edulis on or about November 8, 2004. The Hon. Marsha J. Pechman of this court sentenced Defendant to 1 month confinement, followed by 2 years of supervised release.

The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

DEFENDANT'S ADMISSION

USPO Brian Rogers alleged that Defendant violated the conditions of supervised release in three respects:

- (1) Failing to report to the probation office as directed on June 17, 2005, at 11:00 a.m. and June 22, 2005, at 9:00 in violation of standard condition number 2.
- (2) Failing to submit a written monthly report to the probation office as directed within the first five days of January, February, March, April and May 2005, in violation of standard condition number 2.
- (3) Failing to notify the probation officer at least ten days prior to change in residence, in violation of standard condition number 6.

At an initial hearing, I advised the defendant of these charges and of his constitutional rights. At today's hearing Defendant admitted the violations numbered one through three, waived any hearing as to whether it occurred, and consented to having the matter set for a disposition hearing before the Hon. Marsha J. Pechman.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that Defendant has violated the conditions of his supervised release as alleged and set the matter for a disposition hearing.

Defendant has been detained pending a final determination by the court.

DATED this 5th day of December, 2005.



MONICA J. BENTON
United States Magistrate Judge

cc:	Sentencing Judge	:	Hon. Marsha J. Pechman
	Assistant U.S. Attorney	:	Janet Freeman
	Defense Attorney	:	Peter Avenia
	U. S. Probation Officer	:	Brian Rogers